

RECEIVED
CENTRAL FAX CENTER

AUG 16 2005

PATENT

H 6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : Michael M. Thackeray et al. **EV347075778US**

Title : SYNTHESIS OF INTERMETALLIC NEGATIVE ELECTRODES FOR LITHIUM CELLS AND BATTERIES

Serial No. : 09/943,966

Filing Date : August 31, 2001

Date : January 19, 2004

Docket No. : 220

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being forwarded, via EXPRESS MAIL NO. EV347075778US postage prepaid, before the last scheduled pick-up, to Commissioner for Patents, MAIL STOP P.O. Box 1450, Alexandria, VA 22313-1450 on

1/20/2004
Date of Facsimile TransmissionBrenda Stark
Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO REINSTATE
ABANDONMENT OF APPLICATION UNDER §1.137(b)**

SIR:

This is a petition to revive the above-identified patent application
In response to the Notice of Abandonment dated December 19, 2003,
applicants, through their attorneys, respond as follows:

On February 21, 2002, attorneys for applicant filed, via Express Mail No. EL 858809632 US, a response to the Notice to File Missing Parts mailed January 30, 2002. A copy of the Response is enclosed along with a copy of the return receipt postcard showing a receipt date in the PTO of February 21, 2002.

Upon review of the enclosed documents, granting of this petition is respectfully requested and no additional fee is due.

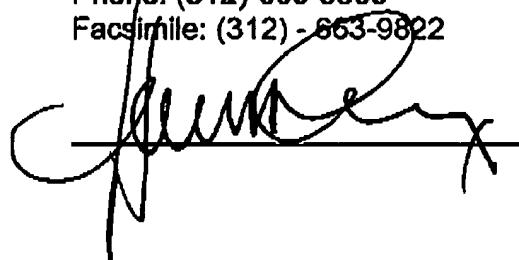
Thackeray et al.
Serial No. 09/943,966
Filed: 08/31/2001

The Commissioner is requested to charge any additional fees or credit any overpayments incident to the filing of this Petition to Deposit Account No. 05-1060. A duplicate copy of this Petition is enclosed.

January 17, 2004

Respectfully submitted,

Harry M. Levy, Esq.
Emrich & Dithmar
300 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Phone: (312)-663-9800
Facsimile: (312) - 663-9822



PATENT ANL-IN-00-120 (220)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christopher S. Johnson, et al.

Serial No. : 09/943,966 **EL 858809632 US**

Filed : August 31, 2001

Title : SYNTHESIS OF INTERMETALLIC NEGATIVE ELECTRODES FOR LITHIUM CELLS AND BATTERIES

Date : February 19, 2002

COMMUNICATION FORWARDING
SIGNED DECLARATION, POWER OF ATTORNEY
VIA EXPRESS MAIL NO. EL 858809632 US

Assistant Commissioner for Patents
Washington, D.C. 20231

Attention: BOX MISSING PARTS

Sir:

Enclosed is the executed Declaration, Power of Attorney for the above application.

Please substitute the enclosed signed Declaration for that presently on file in the above application. Our check in the amount of \$65.00 is enclosed.

The Commissioner is hereby authorized to charge any additional amount due or credit any overpayment in connection with this matter to Deposit Account No. 05-1060. A duplicate copy of this Communication is enclosed.

Respectfully submitted,

EMRICH & DITHMAR
Attorneys for Applicants
300 South Wacker Drive, Suite 3000
Chicago, Illinois 60606
(312) 663-9800

By 
Harry M. Levy
Reg. No. 24,248

Dated: 2/19/02



EL 858809632 US


**POST OFFICE
TO ADDRESSEE**

 Mailing Label
 Labeled 11-14 August 2005

ORIGIN (POSTAL USE ONLY)				DELIVERY (POSTAL USE ONLY)			
PO ZIP Code	Day of Delivery	Flat Rate Envelope		Delivery Attempt	Time	Employee Signature	
	Next Day	Second	—	Mo. Day	AM PM		
Date In	Postage			Delivery Attempt	Time	Employee Signature	
Mo. Day	12 Noon	3 PM	S	Mo. Day	AM PM		
Time In	Return Receipt Fee			Delivery Date	Time	Employee Signature	
Mo. Day	AM	PM	2nd Day	Mo. Day	AM PM		
Weight	Int'l Alpha Country Code COD Rec Insurance Fee			NO DELIVERY	Weekend	Holiday	Customer Signature
Ibs.	S			Federal Agency Acct. No. or Postal Service Acct. No.			
No Delivery	Acceptance Clerk Initials Total Postage & Fees			TO: (Please Print) PHONE ()			
<input type="checkbox"/> Weekend	S			Assistant Commissioner for Patents			
CHICAGO				Washington, D.C. 22202			
EMRICH & DITHMAR 300 S WACKER DR STE 3000 IL 60606-6703				ATTN: BOX MISSING PARTS			
Harry M. Levy, Esq.				FOZ T			
L-ANL Case 220				141/ 15			
PRESS HANG FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com							

RECEIVED

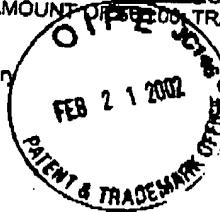
MAR 08 2002

EMRICH & DITHMAR

Chicago, Illinois

EXPRESS MAIL NO. EL 858809832 US
Date of Deposit: 2/21/02HML/bbs / be
iped

The Stamp of the U.S. Patent and Trademark Office hereon may be taken as
an acknowledgement of the receipt on the date stamped of:
COMMUNICATION FORWARDING STATEMENT DECLARATION, POWER OF
ATTORNEY, CHECK IN AMOUNT OF \$100.00 TRANSMITTAL LETTER IN
DUPLICATE

Argonne National Laboratory
Serial No. 09/943,966

Joint
ANL-IN-00-120 (220)

**DECLARATION, POWER OF ATTORNEY
AND CORRESPONDENCE ADDRESS**

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to our name.

I believe I am the original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **SYNTHESIS OF INTERMETALLIC NEGATIVE ELECTRODES FOR LITHIUM CELLS AND BATTERIES**, the specification of which is attached hereto and identified as Application Serial No. 09/943,966 filed August 31, 2001 (filing particulars to be inserted when received).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the patentability of the claims in this application in accordance with 37 CFR §1.56(a), including all information known to me to be material to patentability as defined in 37 CFR §1.56.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Mark D. Hilliard (Reg. No. 30,463); Harry M. Levy (Reg. No. 24,248); Paul L. Brown (Reg. No. 27,184); James J. Hill (Reg. No. 24,287), Thomas E. Hill (Reg. No. 28,955) and Jonathan J. Krit (Reg. No. 37,164).

Address all telephone calls and correspondence to:

Harry M. Levy, Esq.
Emrich & Dithmar
300 South Wacker Drive-Suite 3000
Chicago, Illinois 60606
(312) 663-9800

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

Joint
ANL-IN-00-120 (220)

under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 10/4/01

Michael M. Thackeray
Michael M. Thackeray

Residence and Post Office Address
1763 Cliffside Court
Naperville, IL 60565
Citizen of South Africa

Dated: 10/4/01

Christopher S. Johnson
Christopher S. Johnson

Residence and Post Office Address
1933 Lisson Road
Naperville, IL 60565
Citizen of the United States of America

EMRICH & DITHMAR LLC

ATTORNEYS AND COUNSELORS

SUITE 2080

125 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606-4401, USAPAUL L. BROWN
JAMES J. HILL
HARRY M. LEVY
ROBERT R. CALIRI
THOMAS E. HILL
JONATHAN J. KRIT
HELEN S. CORDELL
OF COUNSELTEL: 312-663-9800
FAX: 312-663-9822PATENTS, TRADEMARKS, COPYRIGHTS
UNFAIR COMPETITION LAW
AND RELATED LITIGATION**RECEIVED**
CENTRAL FAX CENTER**AUG 16 2005****TELECOPIER****TRANSMITTAL SHEET****OFFICIAL PAPER****To:** Director for Patents
U.S. Patent and Trademark Office
Telecopier No. 1-571-273-8300**From:** Harry M. Levy, Esq.
EMRICH & DITHMAR LLC
Telecopier No. 312-663-9822**Date:** August 16, 2005 **Time:****No. of Pages (including this sheet):** 13**Comments:** Michael M. Thackeray et al.
Docket No. ANL 220
Serial No. 09/943,966
Filed: August 31, 2001

Please inform the attorney of record in the above application as to the status of the above-identified application.

A Petition to Reinstate Abandonment of Application was mailed in this case on January 20, 2004, copies attached hereto.

*******CONFIDENTIALITY NOTE*******

The documents accompanying this telecopy transmission contain information from the law firm of Emrich & Dithmar which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this telecopied information is prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

Chicago, Illinois

EXPRESS MAIL NO. EV 347075778 US
January 20 2004

HML
le
d

The Stamp of the U.S. Patent and Trademark Office hereon may be
taken as an acknowledgement of the receipt on the date stamped of:
Petition to Reinstate Abandonment of Application Under §1.137(b);
Copy of Return Receipt Postcard From PTO Dated February 21, 2002;
copy of Communication Forwarding Signed Declaration, Power of
Attorney Dated February 21, 2002; Return Receipt Postcard
Client: ARGONNE NATIONAL LABORATORY
Case No. 220 Filed: August 31, 2001
Serial No. 09/943,966

PTO/SB/21 (06-03)

Approved for use through 08/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

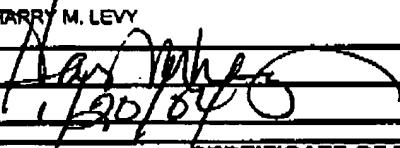
(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

Application Number	09/943,988
Filing Date	August 31, 2001
First Named Inventor	Michael M. Thackeray et al.
Art Unit	
Examiner Name	
Attorney Docket Number	ANL 220

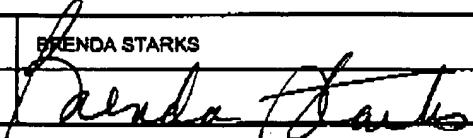
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): RETURN RECEIPT POSTCARD
<input type="checkbox"/> Remarks Petition to Reinstate Abandonment of Application Under Section 1.137(b) and copy of Response filed		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	HARRY M. LEVY
Signature	
Date	1/20/04

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	BRENDA STARKS
Signature	
Date	1/20/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/943,966	08/31/2001	Michael M. Thackeray	220

CONFIRMATION NO. 1578
 ABANDONMENT/TERMINATION
 LETTER

1578
 OC000000011533408

EMRICH & DITHMAR
 ATTORNEYS AND COUNSELORS
 SUITE 3000
 300 SOUTH WACKER DRIVE
 CHICAGO, IL 60606

Date Mailed: 12/19/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/30/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Michael M. Thackeray
A copy of this notice MUST be returned with the reply.

Customer Service Center
 Initial Patent Examination Division (703) 308-1202
 PART 1 - ATTORNEY/APPLICANT COPY

